

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

PATRICK ACIERNO

Criminal No.

19-77  
**FILED**

MAR 20 2019

**INDICTMENT MEMORANDUM**

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

AND NOW comes the United States of America, by its attorneys, Scott W. Brady,

United States Attorney for the Western District of Pennsylvania, and Rebecca L. Silinski, Assistant

United States Attorney for said District, and submit this Indictment Memorandum to the Court:

**I. THE INDICTMENT**

A federal grand jury returned a four-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNTS</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1-4	Bank Robbery On or About September 12, 2018 On or About November 12, 2018 On or About December 5, 2018 On or About March 5, 2019	18 U.S.C. § 2113(a)

**II. ELEMENTS OF THE OFFENSES**

**A. As to Count One:**

In order for the crime of Bank Robbery, in violation of 18 U.S.C. § 2113(a), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That PATRICK ACIERNO took money that was in the care, custody, or possession of PNC Bank, or from PNC Bank, while others, namely employees of PNC Bank, were present;

2. That PATRICK ACIERNO used force, violence, or intimidation;

3. The deposits of PNC Bank were then insured by the Federal Deposit Insurance Corporation.

Third Circuit Model Criminal Jury Instruction 6.18.2113D.

**B. As to Count Two:**

In order for the crime of Bank Robbery, in violation of 18 U.S.C. § 2113(a), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That PATRICK ACIERNO took money that was in the care, custody, or possession of West View Savings Bank, or from West View Savings Bank, while others, namely employees of West View Savings Bank, were present;

2. That PATRICK ACIERNO used force, violence, or intimidation;

3. The deposits of West View Savings Bank were then insured by the Federal Deposit Insurance Corporation.

Third Circuit Model Criminal Jury Instruction 6.18.2113D.

**C. As to Count Three:**

In order for the crime of Bank Robbery, in violation of 18 U.S.C. § 2113(a), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That PATRICK ACIERNO took money that was in the care, custody, or possession of Wesbanco Bank, or from Wesbanco Bank, while others, namely employees of Wesbanco Bank, were present;

2. That PATRICK ACIERNO used force, violence, or intimidation;

3. The deposits of Wesbanco Bank were then insured by the Federal Deposit Insurance Corporation.

Third Circuit Model Criminal Jury Instruction 6.18.2113D.

**D. As to Count Four:**

In order for the crime of Bank Robbery, in violation of 18 U.S.C. § 2113(a), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That PATRICK ACIERNO took money that was in the care, custody, or possession of KeyBank, or from KeyBank, while others, namely employees of KeyBank, were present;

2. That PATRICK ACIERNO used force, violence, or intimidation;

3. The deposits of KeyBank were then insured by the Federal Deposit Insurance Corporation.

Third Circuit Model Criminal Jury Instruction 6.18.2113D.

**III. PENALTIES**

**A. As to Counts One through Four: Bank Robbery (18 U.S.C. § 2113(a)):**

1. A term of imprisonment of not more than twenty (20) years (18 U.S.C. § 2113(a));

2. A fine of not more than the greater of:

(a) \$250,000 (18 U.S.C. § 3571(b)(3));

or

(b) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d));

3. A term of supervised release of not more than three (3) years (18 U.S.C. § 3583);

4. Any or all of the above.

**IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

**V. RESTITUTION**

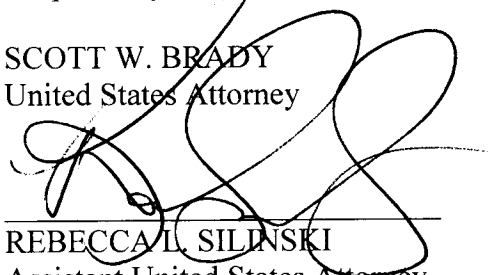
Restitution may be required in this case, together with any authorized penalty, as part of the defendant's sentence, pursuant to 18 U.S.C. §§ 3663A, and 3664.

**VI. FORFEITURE**

Not applicable in this case.

Respectfully submitted,

SCOTT W. BRADY  
United States Attorney



REBECCA L. SILINSKI  
Assistant United States Attorney  
PA ID No. 320774